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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,250	02/13/2001	Takashi Fuchisawa	Q62939	8086

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

MOORE, LAN N

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,250

Applicant(s)

FUCHISAWA, TAKASHI

Examiner

Ian N. Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3-5 is/are allowed.
- 6) ☒ Claim(s) 7 and 9 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 7-9 are objected to because of the following informalities:

Claim 7 recites, “**the** highest reception” in line 15. For clarity, it is suggested to revise as “**a** highest reception” since it is reciting for the first time.

Claim 9 is objected for the same reason as set forth above in claim 7.

Claim 8 recites, “**transmitted/received to/from**” in line 23. For clarity, it is suggested to remove a slash “/” by revising as “**transmitted to or from, or received from or to**”, or equivalent thereof.

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strat 199869926B2, patent No. AU 735582) in view of Johnson (US005839071A).

Regarding Claims 7 and 9, Strat discloses a mobile phone system (see page1, line 9-10; see page 3, line 14; digital cellular radio communication system) comprising:

a plurality of base stations (see page 1, line 14-16, 26-28; see page 3, line 16-20; a number of base stations),

wherein each of the plurality of base station includes circuitry to transmit (see page 1, line 14-16, 26-28; see page 3, line 16-20; each base station contains transmission circuitry) a unidirectional logical control channel signal (see FIG. 2, physical channel which carries broadcast control logic channels which carries useful information to handover; see page 5, line 21-23; see page 6, line 2-19) in a designed transmission time slot (see FIG. 2, first slot IT0, a transmit time slot sent to mobile phone by each base station) of a frame (see FIG. 2, frame 3), the designed transmission time slot being the same for each of the plurality of base station (see page 6, line 1-18; see page 2, line 10-16; a first transmit time slot IT0 is the same for each BS; see page 5, line 20 to page 6, line 1; more than one BS from each cell transmit frames for handover),

at least one mobile phone (see page 3, line 16-23; mobile station) includes circuitry to receive (see page 3, line 16-23, mobile station must have circuitry to receive) the unidirectional logical control channel signal in a designed reception time slot of the frame (see FIG. 2, first slot IT0, a receive time slot of the receiving mobile station side since the same time slot sent by each base station is received at the mobile station), corresponding to the designated transmission time slot of each of the plurality of base station (see page 6, line 2-19; see page 3, line 16-20; note that receive time slot IT0 in frame 3 corresponds to each transmit time slot of each base station), the designed reception time slot being the same for each frame of a plurality of frames (see FIG. 3-4; see page 2, line 16-25; see page 7, line 15-16; 22-24; multiframes are sent/received during handover) of said at least one mobile phone (see page 6, line 1-18; see page 2, line 10-16; a first received time slot IT0 is the same for each frame of multiframes of mobile station);

wherein when receiving the unidirectional logical control channel in the designated reception time slot of the frame (see FIG. 2, first slot IT0, a receive time slot of the receiving

mobile station side since the same time slot sent by each base station is received at the mobile station), said at least one mobile phone receives an information channel signal (see FIG. 2, physical channel which carries information not useful for implementing a handover; see page 5, line 21-29; see page 6, line 2-22) in another reception time slot (see FIG. 2, IT2 reception time slot 3) of the frame (see FIG. 2, frame 3), the information channel signal being transmitted from one of said plurality of base stations (see page 6, line 1-25; see page 3, line 30 to page 4, line 7; a base station transmits time slot IT2 to mobile station). Strat further discloses wherein said at least one mobile phone detects a reception level of each of logical control channel signals received, and said one base station serving as said handover source performing a handover (see page 2, line 16-25; see page 7, line 15-16; 22-24).

Strat does not explicitly disclose choose control channel signal having the highest reception level when the reception level when reception level of control channel signal is higher than the reception level of information channel signal. However, Johnson teaches one mobile phone (see FIG. 1, mobile station 4) choose said unidirectional logical control channel signal (see col. 6, line 9-11; broadcast control logic channel (BCCH)) having the highest reception level when the reception level (see col. 6, line 19-20; strongest BCCH received signal strength) when reception level of each of said unidirectional logical control channel signal is higher than the reception level of information channel signal (see col. 6, line 9-40; when received signal strength of BCCH is higher than the signal strength other carrier/information channel). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose control channel signal having the highest reception level when the reception level when reception level of control channel signal is higher than the reception level of

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information channel signal, as taught by Johnson in the system of Strat, so that it would make decision on selecting target cells when a handover is required; see Johnson col. 6, line 36-40.

Response to Arguments

4. Applicant's arguments with respect to claims 7 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

5. **Claim 8** is objected as set forth in paragraph 1, but would be allowable if rewritten as suggest overcoming the objection.

6. **Claims 3-5** are allowed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*JNM*INM
9/20/06

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